



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

COWAN LIEBOWITZ & LATMAN P.C.  
JOHN J. TORRENTE  
1133 AVE OF THE AMERICAS  
NEW YORK NY 10036

**COPY MAILED**  
**SEP 25 2008**

In re Application of	:	
SHIMIZU, TETSUYA.	:	
Application No. 09/836,838	:	DECISION ON PETITION
Filed: 04/18/2001	:	
Attorney Docket No. B422-147A	:	

This is a decision on the petition under 37 CFR 1.181 (no fee), filed September 17, 2008, to withdraw of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond to the final Office action mailed February 6, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, the application became abandoned on May 7, 2008. A Notice of Abandonment was mailed on September 19, 2008.

Petitioners assert that they did not receive the final Office action as it appears that the USPS may have been delivered it to the wrong law firm. A review of the written record indicates an irregularity in the mailing of the final Office action. The final Office action, which was correctly addressed to the correspondence address of record, was returned to the USPTO on February 19, 2008, as undeliverable. Accordingly, the holding of abandonment is withdrawn and the application is restored to pending status.

This application is being referred to the Technology Center technical support staff of Art Unit 2621 for re-mailing the final Office action and resetting the three (3) month shortened statutory period for reply from date of the re-mailing of the Office action.

Inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

*C. T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions